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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/359,527	07/22/1999	PETER G. WEBB	10990641-1	2940
22878	7590	12/22/2005	EXAMINER	
AGILENT TECHNOLOGIES, INC.			FORMAN, BETTY J	
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.			ART UNIT	
P.O. BOX 7599			PAPER NUMBER	
M/S DL429			1634	
LOVELAND, CO 80537-0599			DATE MAILED: 12/22/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.



Art Unit: 1634

## **FINAL ACTION**

### ***Status of the Claims***

This action is in response to papers filed 5 October 2005 in which claims 2, 5, 8, 10-12, 17, 49-52, 55-56 were amended and a Terminal Disclaimer was filed. All of the amendments have been thoroughly reviewed and entered.

The previous rejections in the Office Action dated 13 July 2005 under 35 U.S.C. 112, second paragraph are withdrawn in view of the amendments. The previous rejections under 35 U.S.C. 103(a) are maintained. The previous rejection under obviousness-type double patenting is withdrawn in view of the Terminal Disclaimer. Applicant's arguments have been thoroughly reviewed and are discussed below.

The examiner and art unit for this application have changed. Please address future correspondence to BJ Forman, Art Unit: 1634.

Claims 2-5, 8-14, 17, 49-52, 55-57 are under prosecution.

### ***Claim Rejections - 35 USC § 103***

Claims 2-5, 8-14, 17, 49-52, 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldeschwieler et al issued 18 January 2000) in view of Weber et al (U.S. Patent No. 4,328,504, issued 4 May 1982).

The rejection is maintained from the previous office action. The text is not reiterated.  
Response to Arguments

Applicant asserts that because Weber is not directed to method of fabricating biopolymer arrays, one of ordinary skill in the art would not combine the teachings of Weber and Baldeschwieler. The argument has been considered but is not found persuasive because

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Baldeschwieler specifically teach an Ink Jet Device and computer control of the “ink-jet device”(Example 1). As such, the ink jet art of Weber is analogous to that of Baldeschwieler.

Applicant further asserts that the instant inventors are concerned with problems of correct deposition of biopolymers. Applicant argues that because Weber is concerned with printing ink, which is not a biopolymer, the reference is not properly usable in rejecting the instant claims. The argument has been considered but is not found persuasive because, as stated above, Baldeschwieler is specifically interesting in ink-jet devices. Therefore, art in the ink jet technology is analogous and combinable with Baldeschwieler.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **Conclusion**

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (571) 272-0741. The examiner can normally be reached on 6:00 TO 3:30.

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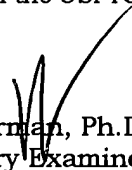
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones can be reached on (571) 272-0745. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

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For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.



BJ Forman, Ph.D.  
Primary Examiner  
Art Unit: 1634  
December 20, 2005